

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejections present in the outstanding Office Action in light of the foregoing amendments and the following remarks.

Claims 1-26 were pending in the instant application at the time of the outstanding Office Action. Claims 1, 12, 13 and 24-26 are independent claims; the remaining claims are dependent. Claims 1-26 remain in the application.

Claims 3, 7, 12, 15, and 19 have been amended herein to correct minor errors noted therein during the preparation of this Amendment. Applicants intend no change in the scope of the claims by the changes made by these amendments. It should also be noted these amendments are not in acquiescence of the Office's position on allowability of the claims, but merely to expedite prosecution.

Claims 1-26 stand rejected under 35 USC § 102(e) as anticipated by Naboulsi (U.S. Pub. No. 20040209594) (hereinafter "Naboulsi"). Reconsideration and withdrawal of this rejection is respectfully requested.

Without conceding the merits of the rejection, Applicants respectfully submit the rejection of Naboulsi is improper and should be withdraw. 35 USC § 102(e) permits a rejection to be made where "the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent". Naboulsi was filed in May 2004, however, the instant

application was filed in February 2004, which is before the filing of Naboulsi. As such, the present rejection should be withdrawn.

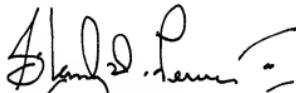
Although Naboulsi claims priority to an application filed in November 2002, the filing date of this application is not the date used for a rejection under 35 USC § 102(e)(1) as the subject matter on which the Office relies in making the rejection was not disclosed in the earlier filed application. Such non-disclosure was recognized by the Office by the fact that no rejection of the present invention was made over Naboulsi's priority application, which issued as U.S. Patent No. 6,731,925 in May 2004 and was published in May 2003.

Therefore, Applicants respectfully submit the Section 102(e) rejection over Naboulsi should be reconsidered and withdrawn. In the event the Office does not immediately allow the case and issues a further Office Action, Applicants respectfully submit that such Office Action should be non-final.

The "prior art made of record" has been reviewed. Applicants acknowledge that such prior art was not deemed by the Office to be sufficiently relevant for it to have been applied against the claims of the instant application. To the extent that the Office may apply such prior art against the claims in the future, Applicants will be fully prepared to respond thereto.

In summary, it is respectfully submitted that the instant application, including claims 1-26, is presently in condition for allowance. Notice to that effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Stanley D. Ference III
Registration No. 33,879

Customer No. 35195
FERENCE & ASSOCIATES LLC
409 Broad Street
Pittsburgh, Pennsylvania 15143
(412) 741-8400
(412) 741-9292 - Facsimile

Attorneys for Applicants